

COMSTOCK GIVEN THE LIE.

EX-JUDGE RUSSELL DENOUNCES HIM.

THE COUNSEL DENIES THAT THERE WAS LAXNESS IN THE DISTRICT-ATTORNEY'S OFFICE UNDER MR. PHILIPS.

Messrs. Roosevelt, O'Neil and Welch, of the Assembly Special Committee, continued the investigation of the Police Department yesterday at the Metropolitan Hotel. The attention was as large as on previous occasions. Ex-Judge Russell represented the Police Department and Mr. Miller occupied his place as counsel for the committee. Commissioner French came in during the day. Inspector Byrnes arrived early. Captains Williams, McCullagh and Mount were present in civilians' dress; Captain Kilkane, Murphy and Bergold were arrayed in full uniform.

Ex-Judge Russell began the cross-examination of Anthony Comstock. The two great each other savagely as they took their positions on opposite sides of the table. Each assured the other of his most distinguished consideration and both promised to behave like gentlemen. They had no secrets far, however, before it began to look as though their assurances of consideration would require bracing. There was evidently a chip on somebody's shoulder, but just on whose could not be determined.

The first exhibition of unusual warmth was when Mr. Russell wanted to be informed of Mr. Comstock's compensation as secretary to the Society for the Suppression of Vice. The latter declined to answer, and there was a protracted discussion. At last Mr. Comstock cut the matter short by withdrawing his objection and replying that he was allowed a salary of \$1,000 per annum; that he had three assistants, and that the average yearly expenses of the society, including amount paid to himself and subordinates, was \$8,000.

Mr. Russell wanted to know how information and evidence respecting police-dealing were obtained. The witness said he detailed assistants to buy of the persons just what they had for sale. If a young man came to him saying he had been ruined or had lost large sums of money and begged him to close the place, he would ask the applicant to take one of his assistants and introduce him to the persons engaged in the business.

Mr. Russell, with a little tartness in his manner of putting questions, inquired as to the proportion of convictions to arrests. Mr. Comstock, with coolness and deliberation, replied:

There were fifty-two arrests under the State laws, and only two convictions from 1877 to August, 1880, while you were in the District-Attorney's office; but that difficulty has been largely removed since you and your associates left the office.

The face of Mr. Russell reddened. At last he said:

There is no malice in your composition or in your testimony, Mr. Comstock?

Mr. Comstock then asked me for facts, and I stated them. Mr. Russell then avoided a quarrel with you, Mr. Comstock, but I do not seek one. Now, sir, since you bring up that, did it not come to be accepted as a fact that nobody would believe you under oath?

—M. Comstock (laughing)—It is not a fact.

During this colloquy Mr. Russell grew red in the face, and Mr. Comstock became pale. Then Mr. Russell, looking steadily at the witness, said: "The Comstockites have denounced you as a traitor, and I am forced to believe you."

The witness replied that he desired to qualify the answer. He had upon three different occasions had some difficulties with Judge Gildersleeve. Further explanation was at that moment denied him, and Mr. Russell questioned him as to alleged embarrassments in presenting testimony, the courts holding that police men could not be convinced of the uncorroborated testimony of accomplices. Mr. Comstock admitted that at one time there was a discussion of that kind, but not within the period named by him.

Mr. Russell read from THE TRIBUNE of December 7, 1879, an account of a raid by the police on lottery offices in Broadway. He then asked the witness why he had hesitated about disturbing the same persons for several months subsequently, knowing that they were once more under full operation. The witness replied that he was looking after other matters. Mr. Russell asked whether he had the right to make application to the Department, having been denied it by Mr. Campbell. —I am sorry, Mr. Comstock, but I have a slighty varied ratio of the prices of repairs at the theatres. I have bought tickets in the lobby of the streets, and that it was incumbent on me to grant permission. I then said so. With the original intent, I believed the Department had the power to do this without first obtaining the authorization of the Common Council. We were not using illegal devices in grand lobbies. At the Peacock Street Theatre, we have a lobby which cost \$250 to \$300 per month and taxes. They sell a regular seat at a premium of twenty-five cents, and an ordinary admission ticket at an advance, ten cents. These are bodymen of New York. I have never heard of any other theatre where spectators are allowed to buy of the streets, and it is a violation of the law to do this.

Mr. Thompson—You cannot make any comparison between the work done in Brooklyn and New York. They do not stir their trenches or sewers so deep.

Mr. Russell—It is true that I have paid about \$600 more than Brooklyn in the same kind of work. The committee would like more information on that point.

Mr. Thompson—We will give you that through our witness.

Senator Gibbs announced that the sergeant-at-arms had returned and stated that Devlin had left his house in the morning with his wife and daughter, and had not returned.

MR. FLYNN'S TESTIMONY.

Maurice B. Flynn testified: I am a member of the firm of Breckinridge, Flynn & Co., I am also interested in the Central High Manufacturing Company, which is a branch of the Johnson Motor Company. I introduced John C. Kelley of that company to Mr. Campbell, when the latter was made Commissioner of Public Works. Mr. Kelley is a son of James C. Kelley, who has been a member of the Corporation Council for many years. I have been a director of the company for four or five years. I have been a director for three or four years.

Mr. Thompson—How is it that the work which costs \$100 per square foot is the same in the kind of work.

Mr. Thompson—Your Department pays \$10 for sewer connections, \$5 for water connections; \$8 for sewer repair connections, and \$350 for the repair of sewer connections, in Brooklyn the charge is for all kinds of connections and repairs.

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THE IRVING EXAMINATION.

On his re-direct examination by Mr. Miller, Mr. Comstock said it was impossible to get a complaint against a lottery or policy man tried in the District Attorney's office at the time he referred to. "Cases were tried," he said, "with a sort of indifference, as if they did not intend to try them. We did not have any trials since Judge Russell and his associates left, then." He explained his difficulty with Judge Gilligan at length. After restating his instance he said: "Judge Gildersleeve, without examining into the facts, took steps to make me publicize it." Upon his private instance he had published a notice in the Irving Journal, trying to get the public to do something for the poor, and had caused the arrest of the persons. He admitted that upon several occasions in his practice he had published notices in the Irving Journal, trying to get the public to do something for the poor, and had caused the arrest of the persons. He admitted that upon several occasions in his practice he had published notices in the Irving Journal, trying to get the public to do something for the poor, and had caused the arrest of the persons.

The witness then asked the witness if he had not had any difficulties with the police entitling the police, and Mr. Comstock denied the charge.

Francis S. Edmunds, of Jersey City, was put upon the stand to testify to the fact that a friend of his, John Johnson, was in the New York Police, while the lottery office was in that building. He said that the crowds were so great that the police stood among the people to keep them in line at the office. He said that he had been a member of the Common Council for many years, and when he visited Commissioners Mason's office at his house, to make complaint, and was treated in an obnoxious manner. They were told by Mr. Mason that they ought to be ashamed of themselves. A few days afterward the witness complained to Mr. Comstock, and the place was shortly afterwards broken up.

Mr. Comstock was recalled and asked if Mr. Russell as he had arrested two men, and a man had called and offered him \$1,500, saying that he had "fixed" matters at the 10th Precinct. He said that if he could not get a good deal more, he would not want his ticket held by him. He had been approached at other times, and once had caused the arrest of the persons. He admitted that upon several occasions in his practice he had published notices in the Irving Journal, trying to get the public to do something for the poor, and had caused the arrest of the persons.

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THE IRVING COMMISSIONER'S DENIAL.

Deputy Commissioner Frederick H. Hamill testified: The statement that Contractor John Devlin offered me money is absolutely false and entirely false; nothing of the kind occurred at any time or in any place. Nothing was ever intimated to Devlin by me that money was needed to procure a permit for the Western Union Company.

The day in question the permit at the outset was because the work was one of great magnitude and it was doubtful whether it was advisable to begin so soon, and the manner in which Devlin was approached by the witness to the contrary.

The facts are these, Judge Russell, and they speak for themselves. There were so many cases of arrests, and you can see but two exceptions.

Mr. Comstock—And then there is the historical fact that the police, in trying to arrest the City Hall Party in connection with the associates of "Eph" Evans.

Mr. Russell—Mr. Chairman, this is wholly a gratuitous attack, and I must say to the committee, that Mr. Comstock is fully qualified to be in charge of the Department.

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